

sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A), if such an order has been requested by the United States Attorney with the concurrence of the Commissioner and if the court chooses to exercise such jurisdiction.

“(2) PROCEDURE.—

“(A) The United States Attorney shall file with the United States District court, and serve upon the defendant and the Service, prior to commencement of the trial or entry of a guilty plea a notice of intent to request judicial deportation.

“(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 30 days prior to the date set for sentencing a charge containing factual allegations regarding the alienate of the defendant and identifying the crime or crimes which make the defendant deportable under section 241(a)(2)(A).

“(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under this Act, the Commissioner shall provide the court with a recommendation and report regarding the alien’s eligibility for relief. The court shall either grant or deny the relief sought.

“(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

“(ii) The court, for the purposes of determining whether to enter an order described in paragraph (I), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

“(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

“(iv) The court may order the alien deported if the Attorney General demonstrates that the alien is deportable under this Act.

“(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

“(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

“(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

“(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order. If the conviction is reversed on direct appeal, the order entered pursuant to this section shall be void.

“(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order of deportation, which shall designate the defendant’s country of choice for deportation and any alternate country pursuant to section 243(a).

“(4) DENIAL OF JUDICIAL ORDER.—Denial without a decision on the merits of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).”.

(b) TECHNICAL AMENDMENT.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking “The” and inserting “Except as provided in section 242A(j)(d), the”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

**SEC. —. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.**

No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)) shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

On motion of Mr. BROOKS, said Senate amendments to the House amendment to the Senate amendment were agreed to.

A motion to reconsider the vote whereby said Senate amendments to the House amendment to the Senate amendment were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.27 CIVIL RIGHTS COMMISSION REAUTHORIZATION

On motion of Mr. BROOKS, by unanimous consent, the bill (S. 2372) to reauthorize for three years the Commission on Civil Rights, and for other purposes; together with the following amendment of the Senate to the amendments of the House thereto, was taken from the Speaker’s table:

Page 10, line 12, strike out “September 30, 1995” and insert “September 30, 1996”.

On motion of Mr. BROOKS, said Senate amendment to the House amendments was agreed to.

A motion to reconsider the vote whereby said Senate amendment to the House amendments was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.28 JUDICIAL AMENDMENTS

On motion of Mr. BROOKS, by unanimous consent, the Committee on Judiciary was discharged from further consideration of the bill of the Senate (S. 2407) to make improvements in the operation and administration of the Federal courts, and for other purposes.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.29 U.S. ARMED FORCES IN HAITI

On motion of Mr. HAMILTON, by unanimous consent, the joint resolution of the Senate (S.J. Res. 229) regarding United States policy toward Haiti; was taken from the Speaker’s table.

When said joint resolution was considered and read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said joint resolution was

passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

By unanimous consent, a similar joint resolution, H.J. Res. 416, was laid on the table.

¶122.30 CHILD SUPPORT ENFORCEMENT

On motion of Ms. NORTON, by unanimous consent, the Committee on Post Office and Civil Service, the Committee on Government Operations, and the Committee on Foreign Affairs were discharged from further consideration of the bill (H.R. 5179) to amend title 5, United States Code, to strengthen child support enforcement orders through the garnishment of amounts payable to Federal employees, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶122.31 TORTURE OR EXTRAJUDICIAL KILLING

On motion of Mr. BROOKS, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 934) to amend title 28, United States Code, relating to jurisdictional immunities of foreign states, to grant jurisdiction to the courts of the United States in certain cases involving torture or extrajudicial killing occurring in that state.

When said bill was considered and read twice.

The following amendment in the nature of a substitute, recommended by the Committee on Judiciary, was then agreed to:

Strike all after the enacting clause, and insert the following:

**SECTION 1. EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES INVOLVING ACTS OF GENOCIDE IN A FOREIGN STATE.**

Section 1605(a) of title 28, United States Code, is amended—

(1) by striking “or” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting in lieu thereof “; or”; and

(3) by adding at the end thereof the following:

“(7) not otherwise encompassed in paragraph (2), in which money damages are sought against the Federal Republic of Germany for the personal injury or death of a United States citizen occurring in the predecessor states of the Federal Republic of Germany, or in any territories or areas occupied, annexed or otherwise controlled by those states and caused by an act of genocide committed against that citizen, by such predecessor state or by any official or employee of such predecessor state while acting within the scope of his or her office or employment during World War Two except that—

“(A) an action under this paragraph shall not be maintained unless the individual